

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

DIRECT MARKETING CONCEPTS, INC., et al.

Defendants.

Civ. No. 04-CV-11136-GAO

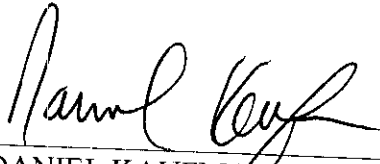
**PLAINTIFF'S MOTION FOR LEAVE TO SUBMIT A REPLY MEMORANDUM OF
LAW IN SUPPORT OF PLAINTIFF THE FEDERAL TRADE COMMISSION'S
MOTION FOR LEAVE TO NAME ADDITIONAL DEFENDANT AND RELIEF
DEFENDANTS AND TO FILE FIRST AMENDED COMPLAINT**

Plaintiff the Federal Trade Commission (the Commission") respectfully moves this Court for leave to file the attached Reply Memorandum of Law in Support of Plaintiff the Federal Trade Commission's Motion for Leave to Name Additional Defendant and Relief Defendants and to File First Amended Complaint. The Commission requests the opportunity to address the misleading discussion of the case law that is set forth in Robert Maihos' Opposition to Plaintiff's Motion for Leave to Name Him as an Additional Defendants. The Commission believes that consideration of the attached memorandum will assist the Court in analyzing the timeliness and appropriateness of the Commission's motion.

Counsel for Robert Maihos has assented to the Commission's filing of this reply memorandum.

Dated: December 27, 2004

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Daniel Kaufman", written over a horizontal line.

DANIEL KAUFMAN
KIAL S. YOUNG (Mass. Bar No. 633515)
EDWARD GLENNON
Federal Trade Commission
600 Pennsylvania Avenue, N.W.
Mail Drop NJ-3212
Washington, DC 20580
Tel: (202) 326-2675/3126
Fax: (202) 326-3259

ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

My name is Daniel Kaufman and I am an attorney with Federal Trade Commission. On December 27, 2004, copies of Plaintiff's Motion for Leave to Submit a Reply Memorandum of Law in Support of Plaintiff the Federal Trade Commission's Motion for Leave to Name Additional Defendant and Relief Defendants and to File First Amended Complaint were served via FEDEX as follows:

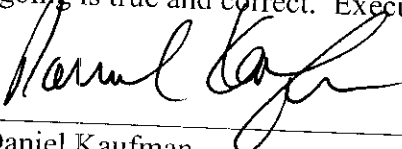
Becky V. Christensen, Esq. (for Michael Howell, Greg Geremesz, Health Solutions, LLC,
Levin & O'Connor Alejandro Guerrero and Health Solutions, Inc)
384 Forest Avenue, Suite 13
Laguna Beach, CA 92651
Facsimile: (949) 497-7679

Dustin F. Hecker (for Michael Howell, Greg Geremesz, Health Solutions,
Posternak Blankstein & Lund LLP LLC, Alejandro Guerrero and Health Solutions, Inc)
The Prudential Tower
800 Boylston Street
Boston, Massachusetts 02199-8004
Facsimile: (617) 722-4927

Peter Brooks, Esq. (for Direct Marketing Concepts, Inc., ITV Direct, Inc., Donald Barrett
Seyfarth Shaw, LLP and non-party Robewrt Maihos)
World Trade Center East
Two Seaport Lane, Suite 300
Boston, MA 02210
Facsimile: (617) 946-4801

Joseph Ryan (for Triad ML Marketing, Inc., King Media, Inc., and Allen Stern)
Lyne, Woodworth & Evarts LLP
600 Atlantic Avenue
Boston, MA 02210

I declare under penalty of perjury that the foregoing is true and correct. Executed this December 27, 2004 at Washington, D.C.


Daniel Kaufman